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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

OYEBISI, OJO O

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,119

Applicant(s)

BRACO, RONALD A.

Examiner

OJO O. OYEBISI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/09/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/14/01, 08/15/01, 02/20/02, 10/16/03, 10/14/03, 01/16/04, 01/16/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 22 and 23 are objected to because of the following informalities: claim 22 depends from itself. Thus, its dependency is not clear, and claim 23 depends from claim 22. In this office action, the examiner has treated claim 22 as if it depends from claim 21. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21, 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kolling et al (Koll hereinafter US PAT: 5,963,925).

Re claim 1. Koll discloses a system for electronic presentment and payment of bills over a network, comprising: a consumer terminal; a biller terminal in communication with said consumer terminal (see fig. 1 and fig.2); and a switching network for routing presentment and payment information between said consumer terminal and biller terminal, said switching network being a multi-standard switch capable of receiving messages using more than one format (see col.9, lines 1-24) (see abstract).

Re claim 2. Koll further discloses the system, wherein said switching network routes the

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information without reformatting (see col.10, lines 55 – 65, also see col.13, lines 35–45 – a biller may supply a variety of templates each suitable for handling a different data standard that would enable a CFI to present electronic statement a variety of forms to its customers).

Re claim 3. Koll further discloses the system, further comprising a consumer service provider device in electronic communication between said consumer terminal and said switching network (see fig.2)

Re claim 4. Koll further discloses the system,, further comprising a consumer payment provider (i.e., CFI, fig.2, element 132) device in electronic communication between said consumer service provider and said switching network (see fig.2, also see col.4, line 63 through col.5, line 30).

Re claim 5. Koll further discloses the system, further comprising a biller service provider device in electronic communication between said consumer terminal and said switching network (see fig.2, also see col.4, line 63 through col.5, line 30).

Re claim 6. Koll further discloses the system, further comprising a biller payment provider (i.e., BFI, fig.2, element 108) device in electronic communication between said consumer service provider and said switching network (see fig.2).

Re claim 7. Koll further discloses the system, further comprising a payee terminal (i.e., BSP fig.2, since biller's provider can also serve as a payee, see col.7, lines40-50, also see fig.12) in electronic communication with said biller payment provider (i.e., BFI fig.2, element 108) (see fig.2).

Re claim 8. Koll further discloses the system, further comprising a biller service provider

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device in electronic communication between said consumer terminal and said switching network (see fig.2 also see col.4, line 63 through col.5, line 30).

Re claim 9. Koll further discloses a system for electronic presentment and payment of bills over a network, comprising: a consumer terminal; a biller terminal in communication with said consumer terminal; and a switching network exchanging billing information between said consumer and biller terminals, said switching network routing bill summary data generated by a biller terminal for presentment at said consumer terminal(i.e., kolls can display summary invoice as well as the whole invoice in any format chosen by the consumers, see col.31, lines 57-67), complete bill data being accessible only by communicating directly between the consumer terminal and biller terminal (see fig.2 and fig.3, also see col.9, lines 1-24).

Re claim 10. Claim 10 recites similar limitations to claim 2, and thus rejected using the same art and rationale in the rejection of claim 2.

Re claim 11. Claim 11 recites similar limitations to claim 3, and thus rejected using the same art and rationale in the rejection of claim 3.

Re claim 12. Claim 12 recites similar limitations to claim 4, and thus rejected using the same art and rationale in the rejection of claim 4.

Re claim 13. Claim 13 recites similar limitations to claim 5, and thus rejected using the same art and rationale in the rejection of claim 5.

Re claim 14. Claim 14 recites similar limitations to claim 6, and thus rejected using the same art and rationale in the rejection of claim 6.

Re claim 15. Claim 15 recites similar limitations to claim 7, and thus rejected using the

same art and rationale in the rejection of claim 7.

Re claim 16. Claim 16 recites similar limitations to claim 8, and thus rejected using the same art and rationale in the rejection of claim 8.

Re claim 17. Koll discloses a method for electronic presentment and payment of bills over a network, comprising: generating a bill summary file; storing the bill summary file at a biller service provider device; polling by a consumer service provider device through a switching network newly generated bill summary files stored at the biller service provider device; and routing via the switching network the stored newly generated bill summary files from the biller service provider device to the consumer service provider device (see abstract).

Re claim 18. Koll further discloses the method, further comprising presenting the bill summary file to a consumer via the consumer service provider device (see col.8, lines 10-35).

Re claim 19. Claim 19 recited similar limitations to claim 2, and thus rejected using the art and rationale in the rejection of claim 2.

Re claim 20. Koll discloses the method, further comprising accessing complete bill data only by communicating directly between a consumer terminal and a biller terminal (i.e., Mandatory section 420 includes actual statement or invoice data and any legally required enclosures. The summary section is intended to represent the payment stub that typically comes with a printed invoice, although it may be more detailed. The summary section could include a URL or electronic mail address for customer access to detailed transaction records. Detailed section 422 is presented to the consumer on

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request. It is intended to represent the detail accompanying lengthy bills like some credit card and telephone bills. Detailed section 422 may also be made available at the biller's discretion, see col.19, lines 20-32).

Re claim 21. Koll further discloses the method, further comprising the steps of: receiving payment instructions from the consumer terminal; transmitting payment instructions to the switching network (see col.13, lines 52-58); verifying consumer service provider and biller service provider are participants of the system (see col.15, lines 40-55, also see col.24 line 60 through col.25 line 20, also see col.19, line 65 through col.20 line 20); and forwarding remittance information to appropriate biller payment provider (see abstract).

Re claim 24. Koll further discloses the method, wherein said switching network is a multi-standard switch routing messages of different formats (see col.9, lines 1-24, also see col.10, lines 55 – 65, see col.13, lines 35-45 – a biller may supply a variety of templates each suitable for handling a different data standard that would enable a CFI to present electronic statement in a variety of forms to its customers).

Re claim 25. Claim 25 recites similar limitations to claim 1, and thus rejected using the same art and rationale in the rejection of claim 1.

Re claim 26. Koll discloses a system for electronic presentment and payment of bills over a network, comprising: a consumer terminal; a biller terminal in communication with said consumer terminal (see fig 1 and fig.2); and a switching network for routing a payment message for a particular bill between said consumer terminal and biller terminal (see col.9, lines 1-24, also see the abstract) irrespective of whether the

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particular bill has been previously presented to said consumer terminal (i.e., optional section of the bill are downloaded at the customers request., see col.19, lines 15-20).

Re claim 27. Claim 27 recites one of the limitations recited in claim 26 above, and thus rejected using the same rationale in the rejection of that limitation in claim 26 above.

Re claim 28. Claim 28 recites similar limitations to claim 1, and thus rejected using the same art and rationale in the rejection of claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22, 23, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koll in view of Hilt et al (Hilt hereinafter U.S PAT 5,465,206).
6. Re claim 22. Koll does not explicitly disclose the method, wherein prior to said transmit step further comprising verifying that sufficient balance exists in consumer's account to cover bill. Hilt makes this disclosure (see abstract, also see fig.11, element 254). Thus, it would have been obvious to one of ordinary skill in the art to combine Koll and Hilt in order to prevent loss to the biller.
- Re claim 23. Koll does not explicitly disclose the method, further comprising the step of settling all credit and debit transactions over a predetermined cut-off period. Hilt makes this disclosure (see abstract, also see fig11). Thus, it would have been obvious to one of ordinary skill in the art to combine Koll and Hilt in

order to ensure that billers are properly and timely compensated for the services they provide to the consumers.

Re claim 29. Koll further discloses a system for electronic presentment and payment of bills over a network, comprising: a consumer terminal; a biller terminal in communication with said consumer terminal; and an open, interoperable switching network for routing presentment and payment information between said consumer terminal and biller terminal (see fig.1 and fig.2, also see the abstract). Koll does not explicitly disclose said switching network settling all credits and debits over a predetermined period. Hilt makes this disclosure (see abstract, also see fig11). Thus, it would have been obvious to one of ordinary skill in the art to combine Koll and Hilt in order to ensure that billers are properly and timely compensated for the services they provide to the consumers.

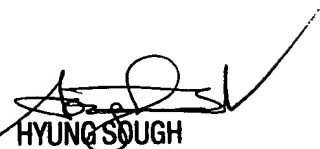
Re claim 30. Koll further discloses the method further comprising the steps of: receiving payment instructions form the consumer terminal; transmitting payment instructions to the switching network (see col.13, lines 53-60); verifying that consumer service provider and biller service provider are participants of the system (see col.15, lines 40-55). Koll does not explicitly disclose settling all credits and debits over a predetermined period. Hilt makes this disclosure (see abstract, also see fig11). Thus, it would have been obvious to one of ordinary skill in the art to combine Koll and Hilt in order to ensure that billers are properly and timely compensated for the services they provide to the consumers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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